

# **EXHIBIT “A”**

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,  
Plaintiff,

V.

WILLIAM WOLFE, et al.,  
Defendants.

:  
: No. 04-230-E  
: Magistrate Judge Baxter  
: District Judge Cohill  
:  
:  
:

DEFENDANT'S RESPONSE TO  
PLAINTIFF'S THIRD INTERROGATORIES TO  
DEFENDANT ROD SHOWERS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, plaintiff requests that defendant answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on the plaintiff within 30 days.

If you cannot answer the following interrogatoires in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions. These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. Is it normal or standard procedure that if an inmate is suddenly moved off of his long term Housing Unit (where he has been housed for years) and moved to a new Housing Unit and has a staffing shortly thereafter that the New Housing Unit will defer the staffing to the inmates previous, long term Housing Unit since the staff would be more familiar with him?

ANSWER: SEE ATTACHED SHEET FOR RESPONSES.

2. Why wasn't plaintiff's z-code staffing deferred back to his long term Housing Unit in 2002 where staff were familiar with him (he had only been housed on your Unit for approx. one month when the z-code staffing began)?

ANSWER:

3. In the comment section of plaintiff's vote sheet written by you, it states that plaintiff is manipulative; please state what you meant and how you came to that conclusion?

ANSWER:

5. You state that high levels of stress do not meet the z-code criteria---Chief Psychologist Reilly and Bunner claim that it does. Can you explain how it doesn't meet the z-code criteria and if Reilly and Bunner are wrong stating it does meet the criteria? Please explain.

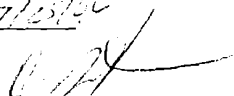
ANSWER:

Date:

\_\_\_\_\_  
Rod Showers

Sent by U.S. Mail

by plaintiff on 7/25/06



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DEFRANCO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-230 E
	)	
WILLIAM WOLFE, ET AL.,	)	

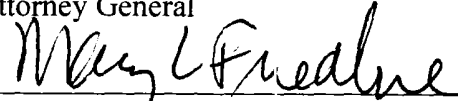
**DEFENDANT'S RESPONSE TO PLAINTIFF'S THIRD  
INTERROGATORIES TO DEFENDANT ROD SHOWERS**

1. No, see response to number 2 below.
2. There is no requirement as to the length of time an inmate is on a unit for staffing. J-Unit had sufficient experience with this inmate, as well as access to relevant records, to make staffing recommendations.
3. The responding defendant does not recall.
4. There is no request with this number; therefore no response is provided.
5. The responding defendant Objects to the plaintiff's mischaracterization of co-defendants discovery responses. By way of further response, the responding defendant does not

recall stating that. However, this defendant went off of the recommendation of the psychologist, who indicated that this inmate's "stress" was handled by medication.

Respectfully submitted,

THOMAS W. CORBETT, JR.  
Attorney General

A handwritten signature in black ink, appearing to read "Mary L. Friedline", written over a horizontal line.

Mary L. Friedline  
Senior Deputy Attorney General  
Attorney I.D. No. 47046

Office of Attorney General  
6<sup>th</sup> Floor, Manor Complex  
564 Forbes Ave.  
Pittsburgh, PA 15219  
Phone: (412) 565-3520  
Fax: (412) 565-3019

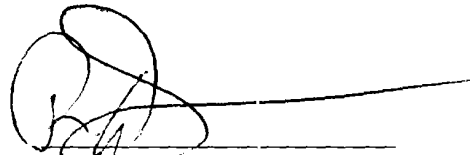
Susan J. Forney  
Chief Deputy Attorney General

Date: August 22, 2006

VERIFICATION

I, Rod Showers, hereby state that the foregoing answers to Plaintiff's Third Set of Interrogatories to Defendant Rod Showers are true and correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 28 U.S.C. §1746 relating to unsworn declarations under penalty of perjury, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Rod Showers

Date:

# **EXHIBIT “B”**

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
<b>INMATE'S REQUEST TO STAFF MEMBER</b>		<b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Mr. Skendall ; unit manager</u>		2. Date: <u>7/19/06</u>	
3. By: (Print Inmate Name and Number) <u>Matthew Clapper EFS316</u> <u><i>Matthew Clapper</i></u> Inmate Signature		4. Counselor's Name <u>Ms. Webb</u>	
6. Work Assignment <u>Chapel</u>		5. Unit Manager's Name <u>Mr. Skendall</u>	
7. Housing Assignment <u>D-A 13</u>		8. Subject: State your request completely but briefly. Give details. <u>Mr. Skendall, could you tell me if it is standard practice here at Albion that if an inmate lives on one unit for a long time and is suddenly moved to a new unit, that if he has a staffing shortly after moving to the new unit that staff on the new unit will have the <del>react</del> inmates prior, long term unit make the staffing? <del>or</del> <del>was</del> <del>involving</del> if staff here in other words, is it the practice here to actually defer their staffing to the inmates long term unit where the staff know him?</u>	
<u>Thanks for your input and help.</u>			
9. Response: (This Section for Staff Response Only)			
<u>Yes, that's normally how it's done, although there could be exceptions, due to circumstances.</u>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

Print

SKENDALL

Sign

Date

7/19/06

# **EXHIBIT “C”**



# VOTE SHEET "1"

DC-46 (Rev. 7/95)		<b>VOTE SHEET</b>		Commonwealth of Pennsylvania Department of Corrections/SCI Albion	
Facility SCI-Albion	Date 6/24/02	Number CZ-3518	Name Anthony DeFranco	Cus. Lev. & Code(s) 4YZ	
Purpose Annual Review for					
Z Code continuation		YES	NO	COMMENTS	
Counselor J. Jackson			✓	Does not meet criteria for 2-Code. Manipulated ALBION staff upon his arrival. History of	
Work Supervisor				incarcerations did not receive a 2 Code. Inmate	
Corrections Officer				Since 1996 with one misconduct on record. High levels of stress does not meet 2 code criteria. (See Psych Eval)	
Psychologist Ms. Eichenlaub			✓	Does not meet 2-code criteria.	
Unit Manager R. Showers			✓	No need for 2 Code. Manipulative, fixated. Ref. indicates medication is appropriate to handle psych over	
Inmate Program Mgr. B. Boeh			✓	Psychologist does not recommend and staff do not support.	
Major Gates	✓		✓	PER Psych	
LI.					
Votes Recorded					
<b>STAFF RECOMMENDATIONS</b> SCI-Pittsburgh 4/19/96 → SCI-Albion 10/20/99					
<b>SERVING:</b> Criminal Homicide/Murder 2 <sup>nd</sup> Degree					
<b>MINIMUM:</b> Life <b>MAXIMUM:</b> Life					
<b>DETAINERS:</b> 93-Erie County Simple Assault 12-24 months					
<b>MISCONDUCTS:</b> 3/26/02, A-15 Threaten an Employee Received 45 DDC and removal from job					
<b>ESCAPE HISTORY:</b> 83-Escape conviction Erie County					
<b>PRIORS:</b> Escape, VCSD & CA, Burglary, Retail Theft, Theft by Unlawful Taking, Firearm Carried Without License, Criminal Conspiracy, Criminal Attempt, and Corruption of Minors					
<b>PROGRAMS:</b> He completed Peer Instructor Training for Citizenship on 5/13/01. He is on the waiting list for vocational training, Long Timers, and Drug/Alcohol Education Classes. Attend self-help groups					
Deputy-Centralized Services Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Deputy-Facility Management Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Comments			Comments		
Agree with staff rationale for denial of 2 code			No need. Does not meet criteria		
Ulka			St. M. Coon - Dep. Manager		
Superintendent			Approved <input checked="" type="checkbox"/> Disapproved		
Comments			Prucet. Marguardt Dep Supt for WJW		

VOTE SHEET "2"

VOTE SHEET			Commonwealth of Pennsylvania Department of Corrections	
DC-46 Rev. 6/00				
Facility SCI-Albion	Date 3-10-04	Number CZ-3518	Name DeFRANCO, Anthony	Custody Level & Code(s) 3Y
PURPOSE: Z-Code	YES	NO	COMMENTS	
Counselor -Karia Webb	<input checked="" type="checkbox"/>		Inmate has increased agitation with cellies and is sentenced very farmed - agree to Dr. Lindenmuth	
Work Supervisor				
Corrections Officer-Malec				
Corrections Officer -Coll				
Psychologist <i>R. L. L.</i>	<input checked="" type="checkbox"/>		Anxiety disorder, persistent stress	
Unit Manager Mr. Skendall		<input checked="" type="checkbox"/>	I do not agree that inmate DeFranco needs to be Z-coded. He has successfully resided on out for several months	
Corrections Classification Program Manager Mr. Bryant		<input checked="" type="checkbox"/>	Concur with comments. STRESS will be ongoing	
Major Colvin		<input checked="" type="checkbox"/>	Concur w/ U.M.	
Zone Lt.				
Votes Recorded				
STAFF RECOMMENDATIONS: SCI-Pittsburgh-4/19/96 ► SCI-Albion-10/20/99				
SENTENCED: A 40 year old married male serving a Life sentence for Criminal Homicide from Erie County.				
Minimum Date: Life		Maximum Date: Life		Detainers: 1-Erie County for Simple Assault.
Escape History: 83 Escape conviction Erie County.				
Misconducts: Total 5. Last being 3/02 for Threatening an Employee=45 DC				
Prior Criminal History: Juvenile: REAP and Defiant Trespass Adult: Escape, Theft By Unlawful Taking, VCSDD&A, Burglary, Retail Theft, Aggravated Assault, Simple Assault, Corruption of Minor, CC-Criminal Attempt, Reckless Driving, and Disorderly Conduct.				
Programs: Peer leader for Citizenship. He is employed in the Library.				
** Z-Code due to extreme Anxiety Disorder and Panic Disorder. Dr. Lindenmuth requests re-evaluation for Z-Code due to the increased Anxiety, etc. <i>Lindenmuth</i>				
Fact as Custody Level 3Y				
Deputy - Centralized Services YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		Deputy - Facilities Management YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Comments <i>Stress needs to be managed - case can be taken with assignment of cellmates. J. Wick 3-17-04</i>		Comments <i>Do not feel he warrants single-cell status. Dep Marguardt 3-17-04</i>		
Signature of Facility Manager or DCC Director		APPROVED <input type="checkbox"/> DISAPPROVED <input checked="" type="checkbox"/>		
Comments		<i>Tracy Marguardt</i> <i>Dep Supt for WSW</i>		

DC-48 Rev. 6/00		VOTE SHEET		Commonwealth of Pennsylvania Department of Corrections	
Facility <b>SCI-Smithfield</b>	Date <b>4-18-05</b>	Number <b>CZ-3518</b>	Name <b>DEFranco, Anthony</b>	Custody Level & Code(s) <b>3-YZ</b>	
PURPOSE: Continue "Z" Code		YES	NO	COMMENTS	
Counselor: K.J. Zimmerman CC2		X		Appears to adjust better with his single cell. PRT recommended	
Work Supervisor:					
Corrections Officer:					
Psychologist					
Unit Manager, Counselor Supervisor, CCC Director: F. Campopiano				<i>Code originally approved Feb-2000 for this reason. H group continue on active order</i>	
Corrections Classification Program Manager: J. Whitesel		X			
PRT		X			
Housing Officers: AM: PM:					
Votes Recorded				DOC: 4-19-96 SCIS: 3-8-05 MN: Life MAX: Life	
STAFF RECOMMENDATIONS: Anthony DeFranco, age 41, is serving a Life sentence for Criminal Homicide from Erie County. He was transferred to SCI-Smithfield from SCI-Albion on 3-8-05 on an ADM/SEP basis to separate him from William Barr, Superintendent's Assistant, due to litigation DeFranco filed against Mr. Barr. Mr. Barr did not want future potential problems between the inmate and future potential grievances. Prior to his arrival at SCI-Smithfield, SCI-Albion circulated a vote sheet on 3-10-04 for a "Z" code, and the Vote Sheet denied the "Z" code. In response to this, DeFranco filed a civil action against several SCI-Albion staff members. DeFranco has indicated that the "Z" code was ordered by the court to be assigned to him. A copy of a Magistrate Judge's Report and Recommendation in association with this action, is in his file, and under the Conclusion section of that document it indicates that it was the judge's recommendation that, "Defendants should be ordered to return Plaintiff to z-code status in a single cell at SCI-Albion immediately." Upon his arrival at SCI-Smithfield, a temporary "Z" code was assigned at IRC, and on 4-13-05, a PRT was held to determine his progress and whether to keep his "Z" code. The consensus of the PRT was that he keeps his "Z" code.					
Deputy - Centralized Services Victoria L. Kormanik		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Deputy - Facilities Management Daryl I. Briggs	
Comments				Comments	
Signature of Facility Manager or DCC Director John A. Palakovich		APPROVED <input checked="" type="checkbox"/>		DISAPPROVED <input type="checkbox"/>	
Comments					

VOTE SHEET "4"

**EXHIBIT “D”**

**Nisoldipine** See Sular, page 1353.

**Nitazoxanide** See Alinia, 70.

**Nitro-Bid** See Nitroglycerin, below.

**Nitro-Dur** See Nitroglycerin, below.

**Nitrofurantoin** See Macrobid, page 806.

## NITROGLYCERIN

**Pronounced:** NIGHT-row-GLISS-err-in

**Brand names:** Nitro-Bid, Nitro-Dur, Nitrolingual Spray, Nitrostat Tablets, Transderm-Nitro

### Why is this drug prescribed?

Nitroglycerin is prescribed to prevent and treat angina pectoris (sudden chest pain). This condition occurs when the coronary arteries become constricted and are not able to carry sufficient oxygen to the heart muscle. Nitroglycerin is thought to improve oxygen flow by relaxing the walls of arteries and veins, thus allowing them to dilate.

Nitroglycerin is used in different forms. As a patch or ointment, nitroglycerin may be applied to the skin. The patch and the ointment are for prevention of chest pain.

Swallowing nitroglycerin in capsule or tablet form also helps to prevent chest pain from occurring.

In the form of sublingual (held under the tongue) or buccal (held in the cheek) tablets, or in oral spray (sprayed on or under the tongue), nitroglycerin helps relieve chest pain that has already occurred. The spray can also prevent anginal pain. The type of nitroglycerin you use will depend on your condition.

### Most important fact about this drug

Nitroglycerin may cause severely low blood pressure (possibly marked by dizziness or light-headedness), especially if you are in an upright position or have just gotten up from sitting or lying down. You may also find your heart rate slowing and your chest pain increasing. People taking diuretic medication, or who have low systolic blood pressure (less than 90 mm Hg) should use nitroglycerin with caution.

### How should you take this medication?

Since nitroglycerin is available in many forms, it is crucial for you to follow your doctor's directions for taking the type of nitroglycerin prescribed for you. Never interchange brands.

Ideally, you should take nitroglycerin while sitting down—especially if you feel dizzy or light-headed—so as to avoid a fall.

### ■ If you miss a dose...

If you are using a skin patch or ointment: Apply it as soon as you remember. If it is almost time for your regular dose, skip the one you missed and go back to your regular schedule. Never apply 2 skin patches at the same time. If you are taking oral tablets or capsules: Take the forgotten dose as soon as you remember. However, if it is within 2 hours of your next dose, skip the one you missed and go back to your regular schedule. Never take 2 doses at the same time.

### ■ Storage instructions...

Keep this medication in the container it came in, tightly closed. Store it at room temperature. Do not refrigerate. Avoid puncturing the spray container, and keep it away from excess heat.

Do not open the container of sublingual tablets until you need a dose. Close the container tightly immediately after each use. Do not put other medications, a cotton plug, or anything else in the container. Keep the sublingual tablets handy at all times. Keep the patches in the protective pouches they come in until use.

### What side effects may occur?

Side effects cannot be anticipated. If any develop or change in intensity, inform your doctor as soon as possible. Only your doctor can determine if it is safe for you to continue taking nitroglycerin.

### ■ Side effects may include:

Dizziness, flushed skin (neck and face), headache, light-headedness, worsened angina pain

### Why should this drug not be prescribed?

You should not be using nitroglycerin if you are allergic to it or to the adhesive in the patch, if you have a head injury, or if you have any condition caused by increased fluid pressure in your head. Nitroglycerin should not be taken if you have severe anemia or if you have recently had a heart attack. The capsule form should not be used if you have closed-angle glaucoma (pressure in the eye) or suffer from postural hypotension (dizziness upon standing up). Do not take the tablets if you are using the impotence drug Viagra.

### Special warnings about this medication

If your vision becomes blurry or your mouth becomes dry while taking nitroglycerin, it should be discontinued. Contact your doctor immediately if these symptoms develop.

You may develop acute headaches if you take nitroglycerin excessively. Also, some people may develop a tolerance to nitroglycerin, and it may become less beneficial over time, especially if used in excess.

NOT RECOMMENDED

# **EXHIBIT “E”**



Richard J. DeFranco, M.D.  
 454 West 7<sup>th</sup> Street  
 Erie, Pa. 16507  
 Phone: (216) 906-1904



## History and Report on Anthony DeFranco

Anthony DeFranco was born with a heart murmur; diagnosed as a mitral valve prolapse. He has had numerous tests conducted including Electrocardiograms, Echocardiograms and Stress Tests. He suffers from angina. In or around the years 1995-97 he was on the Chronic Care list due to his heart (angina) while housed at SCI Pittsburgh. He was prescribed beta-blockers and seen by a Specialist regularly. During most of his incarceration while at SCI Pittsburgh he was housed alone in a single cell, except for the years, about 1995-96. However, it was during these specific time periods that he required heart medications and experienced increased angina and was placed on beta-blockers. At the end of 1996 or beginning of 1997 he was placed back into a single cell and his angina and psychological troubles diminished to the point where he no longer required beta-blockers and was taken off of Chronic Care.

In October of 1999 he was transferred to SCI Albion. Upon his arrival or shortly thereafter, it was noted by the Chief Psychologist that he should not be double celled and was subsequently given a single cell (z-code). He did well in the single cell except that his panic disorder became persistent, requiring anxiety medication. In March of 2002 it was stated that he threatened a prison guard and was sent to "the hole." Approximately three (3) months later the medically required z-code was removed for unknown reasons. A month after being double celled his psychiatrist sent out a recommendation that the z-code be reinstated. That was ignored by the prison. In or around June of 2003 (about 9 months after being double celled) Anthony DeFranco was prescribed Nitroglycerin, Aspirin and Lopressor for his cardiac condition. He had never needed a blood thinner or Nitroglycerin for his angina. A review of his records indicate that he was taking more Nitroglycerin tablets from the time of prescription (June 2003) until he was in a single cell (November/December 2004). Nitroglycerin is prescribed for cardiac related chest pain. The fact that Nitroglycerin relieves his chest pain is a strong indicator of his angina. The principal pharmacological action of Nitroglycerin is relaxation of vascular smooth muscle. Although venous effects predominate, Nitroglycerin produces, in a dose-related manner, dilation of both arterial and venous beds.

Angina pectoris is a symptom, not a disease. It can result from spasm of coronary arteries. Most likely the result of atherosclerosis, in which arteries are narrowed by fatty deposits (plaques). Angina is usually brought on by exertion such as heavy lifting or extreme cold or emotions such as fear, anger, grief and frustration. Anger and hostility are dangerous for angina sufferers. Angina is the direct result of insufficient blood reaching the heart muscle (myocardial ischemia). Dr. Angela Lindemuth, inside of her August 2004 Recommendation to the prison, alerted the prison of the exact harm being done to Anthony DeFranco due to his forced double celling and inability to cope with cohabitation. The prison's forced double celling and removal of his medically needed z-code caused him to go on and consume Nitroglycerin at a rapidly increasing rate (based upon a reasonable degree of medical certainty). This caused irreparable harm to his pre-existing heart condition. Notably, in early 2006, his Lopressor was decreased




from 50 mgs. daily to 25 mgs. daily. And his Nitroglycerin intake decreased dramatically. He has required less than 15 tablets in more than one year. This is further proof single cell status is medically needed for him.

It is my professional opinion, as a Physician, that Anthony DeFranco not be double celled due to his pre-existing heart condition and his psychological inability to cohabitate with another person. It is further my opinion that by forcing Anthony DeFranco to double cell, with a reasonable degree of medical certainty, by comparing the time and increased Nitroglycerin intake, which was caused by the prison forcing him to double cell, caused irreparable harm to his heart condition. It is further my opinion that there is an interplay with his physical (heart) condition and his mental health that prohibits his ability to double cell. He has had documented psychiatric trouble since at least the early 1980's (well before his incarceration for the instant offense); a Dr. Pizzat of Erie, Pennsylvania had diagnosed him with having a Mixed Personality Disorder, with the features of the Borderline and Paranoid in 1986. And as recently as 2005-06 he has been diagnosed with a Delusional Disorder, among other mental illnesses.

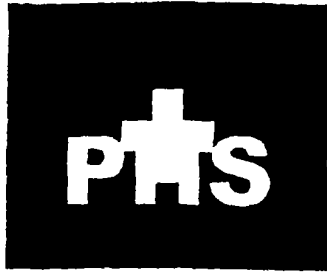
In the best interests of all concerned, Anthony DeFranco should remain single celled, as he had been for most of his incarceration at SCI Pittsburgh; the noted medical need of single cell status at SCI Albion in early 2000 (prior to their revoking it in 2002) and the subsequent medically noted need for such while housed at SCI Smithfield in 2005, who gave him a "psychiatric z-code." The need is required due to his physical health, mental health and the probability of his going into an explosive rage on a potential cell-mate, due to his mental/personality makeup. Being double celled also exacerbates his heart problems, which causes irreparable harm.

Date:

12 August 2006 12:36

  
Richard J. DeFranco, M.D.

# **EXHIBIT “F”**



**Prison Health Services, Inc.**

**SCI - Albion**  
**10745 Route 18**  
**Albion, PA 16475**  
*Phone: (814) 756-9722*  
*Fax: (814) 756-4007*

## **MEMO**

September 23, 2002

To: Z-code Committee

From: Angela Lindemuth, D.O.  
Psychiatrist

Re: Z-code for Anthony Defranco

A handwritten signature in black ink, appearing to be 'AL' with a large loop, positioned to the right of the 'From' field.

I have been treating Anthony Defranco for Panic Disorder and generalized anxiety for several years. He has required increasing doses of anxiolytics to manage his symptoms. Undoubtedly he also harbors the antisocial personality disorder traits, reflected by his prominent history of volatility, impulsivity, physical aggression, multiple violent offenses, including murder.

The inmate relentlessly is plagued by bitterness and resentment, consumed by the probability of spending the rest of his life in prison. He asserts that his frustration tolerance has reached its limit. Contending with a cell-mate, he concedes, will only serve to fuel his brewing anger and agitation. The likely result is erupting in an explosive rage.

My recommendation is therefore that Anthony Defranco be conferred Z-code status.

Should you require additional information, please contact me at extension 457.

AL/RLG

Cc: File

**ANGELA P. LINDEMUTH, R.Ph., D.O., DABFM**  
**DIPLOMATE OF THE AMERICAN BOARD**  
**OF FORENSIC MEDICINE**

**SCI Albion**  
**10745 Route 18**  
**Albion, PA 16475**  
Phone: (814) 756-9722  
Fax: (814) 756-4007

**August 20, 2004**

**SUBJECT: Z-Code for DeFranco, Anthony CZ3518**

**TO: Z-Code Committee**

**ANGELA LINDEMUTH, R.Ph., D.O., DABFM**  
**Diplomate of the American Board**  
**of Forensic Medicine**

**FROM:**

**Angela Lindemuth, R.Ph., D.O.**  
**Correctional Psychiatrist**

I have been treating Anthony DeFranco for Panic Disorder and generalized anxiety for several years. He has required increasing dose of anxiolytics to manage his symptoms. Undoubtedly he also harbors the antisocial personality disorder traits, reflected by his prominent history of volatility, impulsivity, physical aggression, multiple violent offenses, including murder.

The inmate relentlessly is plagued by bitterness and resentment, consumed by the probability of spending the rest of his life in prison. He asserts that his frustration tolerance has reached its limit. Contending with a cell-mate, he concedes, will only serve to fuel his brewing anger and agitation. The likely result is erupting in an explosive rage.

Internalizing and suppressing anger also exasperates his angina (chest pain resulting from decreased blood circulation to the heart), requiring him to take more nitroglycerine to dilate the coronary vessels that become constricted by the severe episodic hostility.

My recommendation is therefore that Anthony DeFranco be conferred Z-code status.

Should you require additional information, please contact me at extension 497.

APL/mjj

cc: File  
word/lindemuth

**"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims"**

# **EXHIBIT “G”**

## DECLARATION

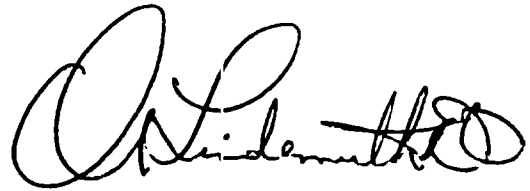
I, Dr. Angela Lindemuth, make the following declaration in regards to Anthony DeFranco:

1. As stated in my Report's dated September 23, 2002 and August 20, 2004, it is my professional opinion that Anthony DeFranco not be double celled due to his history of violence and impulsivity, which represents a serious risk to any potential cellmate.
2. He internalizes and suppresses his anger of dealing with cellmates which causes him to take increased doses of nitroglycerin; this causes irreparable harm to his pre-existing heart condition.
3. It is my opinion that Anthony DeFranco be housed in a single cell for his safety and the safety of any cellmate.

Signed pursuant to 28 U.S.C. §1746.

Date:

10/2/05

A handwritten signature in black ink, appearing to read 'A. Lindemuth', written over a horizontal line.

Angela Lindemuth, R.Ph., D.O.

# **EXHIBIT “H”**

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
<b>INMATE'S REQUEST TO STAFF MEMBER</b>		<b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr. Skendall Unit Man.</i>	2. Date: <i>1-4-03</i>		
3. By: (Print Inmate Name and Number) <i>ANTHONY De Franco C2-3518</i> <i>[Signature]</i> Inmate Signature	4. Counselor's Name <i>Mrs Webb</i>		
	5. Unit Manager's Name <i>Mr. Skendall</i>		
6. Work Assignment <i>Law Lib.</i>	7. Housing Assignment <i>D/A 57</i>		
8. Subject: State your request completely but briefly. Give details.			
<i>Dear Mr. Skendall;</i>			
<i>I noted that inmate Parns moved out of his cell ~ I was informed that he gave up his single cell (cell #31) today ~ would you please consider me for it? I am really having trouble coping being double celled + need my 2-code back.</i>			
<i>Thank-you, Mr. Skendall</i>			
9. Response: (This Section for Staff Response Only)			
<i>Mr. D,</i>			
<i>once again, prior plans were made for this cell</i>			
<i>Sony (again)</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-5 IRS <input type="checkbox"/> <i>[Signature]</i>	

Staff Member Name

Print

Sign

Date



DC-135A

## COMMONWEALTH OF PENNSYLVANIA

## DEPARTMENT OF CORRECTIONS

## INMATE'S REQUEST TO STAFF MEMBER

## INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be dispensed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

*Mr. Skendall Unit Manager*

2. DATE

*12-8-03*

3. BY: (INSTITUTIONAL NAME AND NUMBER)

*Anthony De Franco CZ-3518*

4. COUNSELOR'S NAME

*Mr. Webb*

5. WORK ASSIGNMENT

*Law Lib.*

6. QUARTERS ASSIGNMENT

*O/A 57*

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

*Mr. Skendall, would you please allow me to move into cell #30 which is empty because the inmate caught it on fire? I am having trouble coping with double celling + read my 2-code back.*

*Thank-you Mr. Skendall*

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

*Mr. De Franco,*

*We have no plans for occupancy of cell #30. It is still off line - due to being a crime scene. The State Police will be investigating.*

*As you are aware, we need to keep single cells available for 2-codes. Thank you.*

☐ TO DC-14 CAR ONLY☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

*John Skendall Unit Manager*

DATE

*12/9/03*

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr. Skendall (Unit Manager)</i>		2. Date: <i>10-27-03</i>	
3. By: (Print Inmate Name and Number) <i>ANTHONY DeFranco C2-3518</i> <i>[Signature]</i> Inmate Signature		4. Counselor's Name <i>Mrs. Webb</i>	
6. Work Assignment <i>Law Lib.</i>		5. Unit Manager's Name <i>Mr. Skendall</i>	
		7. Housing Assignment <i>D/A 57</i>	
8. Subject: State your request completely but briefly. Give details.			
<i>Dear Mr. Skendall;</i>			
<i>I noticed that inmate Satterfield was moved out of his single cell (Cell # 30) this morning. Would you please consider me for that cell? As you know I am having a very hard time dealing with cellmates and feel more + more stressed, paranoid + angry.</i>			
<i>Thanks Mr. Skendall!</i>			
9. Response: (This Section for Staff Response Only)			
<i>Sorry, Mr. D.</i>			
<i>The cell was filled before even I knew what was</i>			
<i>going on!</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-5 IRS <input type="checkbox"/>	

Staff Member Name

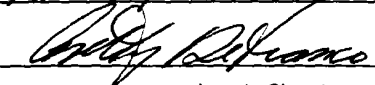
Print

*JTS*

Sign

Date

*10/28/03*

Form DC-135A  <b>INMATE'S REQUEST TO STAFF MEMBER</b>	Commonwealth of Pennsylvania Department of Corrections  <b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <i>Mr. Skendall (unit manager)</i>	2. Date: <i>4/29/04</i>
3. By: (Print Inmate Name and Number) <i>ANTHONY DeFranco C2-3518</i>  Inmate Signature	4. Counselor's Name <i>Mr. Webb</i> 5. Unit Manager's Name: <i>Mr. Skendall</i>
6. Work Assignment <i>law library</i>	7. Housing Assignment <i>D/A 57</i>
8. Subject: State your request completely but briefly. Give details. <i>Dear Mr. Skendall;</i> <i>I noted that cell #31, a single cell, is open. Would you please consider me for it? As you know I am having a real hard time dealing with cell-mates (per my recent staffing for the 2-code at Dr. Linderworth + Steve Reilly's request)</i>  <i>Thank-you, Mr. Skendall!</i>	
9. Response: (This Section for Staff Response Only)  <i>Mr. D. -</i>  <i>Obviously you are now aware that the cell 31 was not and is not available</i>	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

Print

Sign

Date

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr. Skendall (Unit Manager)</i>		2. Date: <i>7/17/03</i>	
3. By: (Print Inmate Name and Number) <i>ANTHONY DeFRANCO (23515)</i> <i>[Signature]</i> Inmate Signature		4. Counselor's Name <i>Mr. Webb</i>	
6. Work Assignment <i>Law Lib.</i>		5. Unit Manager's Name <i>Mr. Skendall</i>	
7. Housing Assignment <i>D/A 57</i>		8. Subject: State your request completely but briefly. Give details.  <i>Dear Mr. Skendall;</i>  <i>Would you please consider me for #32 cell since it is open? It's a single cell and, because I am having a very hard time dealing w/ cell-mates, I was hoping you would allow me to move into it. As you are aware, Dr. Lindemuth (my psychiatrist) sent a memo out to everyone that I should not be double celled. Your help is appreciated.</i>  <i>Thank you very much,</i> <i>Mr. Skendall.</i>	
9. Response: (This Section for Staff Response Only)  <i>Mr. De Franco,</i>  <i>Sorry - beds fill quickly,</i> <i>these days -</i> <i>[Signature]</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 RS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date 7/17/03  
 Print Sign

DEFRANCO

57

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr. Skendall (unit manager)</i>		2. Date: <i>1-20-03</i>	
3. By: (Print Inmate Name and Number) <i>ANTHONY DeFranco C2-3518</i> <i>Anthony DeFranco</i> Inmate Signature		4. Counselor's Name <i>Mr. Webb</i>	
		5. Unit Manager's Name <i>Mr. Skendall</i>	
6. Work Assignment <i>law lib.</i>		7. Housing Assignment <i>O/A 57</i>	
8. Subject: State your request completely but briefly. Give details. <i>Mr. Skendall;</i> <i>Would you please consider me for the single cell that will be open this Wednesday? As you know my 2-code was taken away wrongfully and my psychiatrist says I should be single-celled. She put out a memo back in September, 2002. I am having a hard time coping with a cell-mate and your help would be greatly appreciated. Thanks for looking into this for me.</i> <i>Thank-you, Mr. Skendall!</i>			
9. Response: (This Section for Staff Response Only) <i>Mr. DeFranco,</i> <i>We already have plans for it - but thanks for the request.</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

Print

Sign

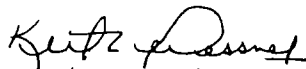
Date

**EXHIBIT “I”**

I, Keith A. Messner do hereby declare that on Sunday December 19<sup>th</sup> 2004 I approached D-unit Manager John Skendall and asked him if he would sign a cash slip for me. He asked me why I had waited until Sunday to get it signed, I told him I had tried to get it signed on the previous Friday, (December 17<sup>th</sup>) to which Mr. Skendall replied "Well you can thank your fellow inmate Buddy Mr. DeFranco for that, because of him I had to be in Federal Court all day and couldn't be here to do my job and take care of things such as signing your cash slip, so you be sure and thank Mr. DeFranco for keeping me out all day Friday". He made this statement in front of myself, C.O. Malec and Inmate Sheffield. On Friday morning, December 17<sup>th</sup> 2004, I was getting into the shower and overheard Mr. Skendall make a similar statement before leaving to go to court to several inmates and the unit Sergeant.

I, Keith A. Messner do hereby certify that the foregoing statement is true and correct to the best of

my knowledge, information and belief, subject to the penalties 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.



Keith A. Messner

December 23<sup>rd</sup> 2004

In December, 19th 2004, Friday I was at the Officers Desk a SCI Albion waiting to talk to Mr. Skendall, (unit manager.) When he stated that he had to go to Federal Court on the previous Friday December 17<sup>th</sup> because of an other inmate. Saying that "You can thank Mr. DeFranco that I could not be here on Friday because he had myself & Ms Webb (unit counselor) in Federal Court, So be shure to thank him that I was not here to answer your questions then!" I then asked him the question I was waiting to ask, about using the front dorm for a meeting. ~~He said~~ Another inmate had asked Mr. Skendall a question befer me and Over heard the entire conversation also.

12/24/4

Michael Sheffield  
Signature

"I sign this under penalty of perjury!"

Michael Sheffield



# **EXHIBIT “J”**

AFFIDAVIT

I, John C. Poggins, WAS FORCED TO CELL UP WITH INMATE ANTHONY DEFRANCO IN 2003. WE WERE ONLY CELLMATES FOR A SHORT PERIOD OF TIME BECAUSE I TOOK PROTECTIVE CUSTODY AND WAS MOVED AWAY. DEFRANCO WAS A HIGH STRUNG PERSON, WHO WAS SET IN HIS WAYS. HE IS ALSO UNSTABLE IN MY OPINION. FOR EXAMPLE, ON A FEW OCCASIONS WHEN I WALKED NEAR HIM WHILE HE WAS ASLEEP HE WOULD SUDDENLY JUMP UP AND GRAB AT ME UNTIL HE REALIZED IT WAS ME. HE ALSO MADE NUMEROUS CELL RULES. FOR EXAMPLE, I WAS TO KEEP THE CELL CLEAN. ~~DEFRANCO WAS VERY ANGRY WHEN I DID NOT FOLLOW HIS RULES.~~ ~~HE WOULD GET VERY ANGRY AND WOULD TRY TO HIT ME.~~ I FELT THAT I COULD NOT "SNITCH" ON HIM BECAUSE HIM MAYBE OTHERS WOULD LOOK AT ME AS A SNITCH AND GET ME. DEFRANCO WOULD ALSO SET TRAPS UP TO SEE IF THE GUARDS OR OTHER INMATES WERE IN THE CELL WHILE HE WAS OUT. HE WOULD PUT BABY POWDER ON THE FLOOR. HE CONSTANTLY BELIEVED THAT PEOPLE WERE OUT TO GET HIM AND HE WANTED TO "PROTECT" HIMSELF AS MUCH AS HE COULD.

I ALSO REMEMBER WAKING IN THE MIDDLE OF THE NIGHT TO FIND DEFRANCO STANDING NEAR MY BUNK JUST STARING AT ME. WHEN I ASKED HIM IN THE MORNING WHAT HE WAS DOING HE DID NOT RECALL DOING THIS. I DID REPORT THIS TO THE UNIT COUNSELOR AND SHE THOUGHT HE MAY HAVE BEEN "SLEEP WALKING". I AM MAKING THIS STATEMENT NOW BECAUSE I AM LEAVING PRISON AND HOPEFULLY NOT EVER HAVE TO CELL UP WITH DEFRANCO AGAIN.

THIS IS MADE PURSUANT TO & SUBJECT TO PERJURY; 28 USC §1746.

DATE: 09-09-04

John C. Poggins


FORM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		A 332456	
Rev. 6-84		<input type="checkbox"/> MISCONDUCT REPORT <input checked="" type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number ET4380	Name Rogers, John Eric	Institution SCIA	Incident Time 24 Hr. Base 1830	Incident Date 7-3-03	Date of Report 7-3-03		
Quarters DA-57	Place of Incident Video Conference Room						
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	
MISCONDUCT CHARGE OR OTHER ACTION							
ADM DIR 802 X A. 1. a.							
STAFF MEMBER'S VERSION							
You spoke to myself and Captain Jones and requested and was granted Administrative Custody.							
You stated you were having anxiety attacks and were afraid for your safety from inmates							
in General Population. You did not provide the names of any inmates who had caused you to							
feel threatened.							
I have requested to be placed in A/C Status for Protective Custody.							
<i>x John Rogers</i>							
IMMEDIATE ACTION TAKEN AND REASON							
PLACED IN RHV A/C STATUS							
PRE-HEARING CONFINEMENT							
IF YES							
<input checked="" type="checkbox"/> YES	TIME	DATE		FORMS GIVEN TO INMATE			
<input type="checkbox"/> NO	1836	7-3-03		<input type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input type="checkbox"/> INMATE'S VERSION			
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY		DATE AND TIME INMATE GIVEN COPY			
<i>M. Aubel</i> M. Aubel: Captain		J. E. Jones: Captain		DATE 7-3-03			
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE		TIME		Misconduct Category <input type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2		Signature of Person Serving Notice <i>P. Barker</i>	
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

AFFIDAVIT

In early 2003, (February-May), I was cellmates with Anthony Defranco. We got along well since 1999 so I figured that sharing a cell together would work out. However, after just the first night, I noticed unusual behaviors exhibited by Mr. Defranco. For example, I would wake up in the middle of the night and find him staring at me while I was sleeping. This was very unsettling. Also, there was a very prominent feeling of anxiety and violent tension throughout the day.

There were other strange behaviors that I remember. Mr. Defranco would spread baby powder on the floor and also tape string across the doorway because he was overly suspicious that the correctional officers would sneak in to set him up in some way. I eventually had to move out because I felt unsafe living in a confined space with Mr. Defranco.

I, Cosimo Liberto, hereby declare that the facts set forth in the foregoing document are true and correct to the best of my personal knowledge, information, and belief.

  
Cosimo Liberto EA-0510  
10745 Route 18  
Albion, PA 16475-0002

9-9-04

## STATEMENT

I was celled up with Anthony DeFranco in late 2002 to early 2003. Even though I knew DeFranco since I was 9 yrs. old, it was difficult celling with him from the beginning. He is an extremely paranoid dude. He put baby powder on the floor & thread across the door to be sure no one entered the cell to set him up. He also set "traps" on his legal boxes to be sure no one went in it. When I moved something to clean, DeFranco would become aggressive & accuse me of going into his legal stuff. DeFranco was very confrontational & easy to anger. I felt very uncomfortable locked in the cell with him. On a couple of occasions he would stand on the toilet to put his face to the vent as he felt he could not breathe. I even put in a grievance once as the guard did not respond to my emergency call. DeFranco also stared at me in the middle of the night while I was trying to sleep. I reported this to the unit staff-they felt he was "sleep walking".

I make this STATEMENT under penalty of perjury.

DATE: 7/22/04

Daniel Francis  
DANIEL FRANCIS #EP-3918

I was put in DeFrancos cell in 2004. DeFranco had bad mood swings. I was Afraid lot of time. He would yell A lot, expectilay if the cell was not cleaned. if He was laying down And I came near He would Jump up and grab me by the neck till He relises it was me. So when ever I would near him I would let him know I was coming near him. He has Assaultive behavior. The only way I got moved out, the cell with him. I WAS literally crying to ms. webb and DFC. malec to be moved Because I was Afraid. DFC. malec went mr. SKENDALL told him what happend to get me moved.

9/12/04

I MAKE THIS  
STATEMENT under

PENALTY ~~28~~ 28 USC 1746.

mihe miley

mihe miley

michael miley

## AFFIDAVIT

My name is Richard Smith BC1886 and I am writing to talk to you about Anthony DeFranco. I have known DeFranco for about 12 years. I met him in S.C.I. Pittsburgh. I was transferred to S.C.I. Albion. DeFranco was transferred to S.C.I. Albion and moved to my housing unit in 1999. We were on the same housing unit together for about one month and we became cellmates. I would like to tell you about how it was to be DeFranco's cellmate, no matter how much I like DeFranco, I could not deal with living with him for many reasons. I went to see my counselor, MS. Kuffman and informed her what was going on in the cell. From day one it was very difficult to live with DeFranco because he lives very clean like. He is very organized. He sets things up in the cell the way he wants them and if anything was out of place he would get very verbal about it, and a little some what aggressive about it. He would put Baby powder on the floor and thread across the door to see if anyone came into a cell to steal from him or set him up. About DeFranco becoming aggressive, there were many times he would get so aggressive he would almost become assaultive. I remember times that DeFranco did get assaultive with me. One time I was writing a letter and he was going to sleep. I got up to get a drink of water, when I went to sit back down he grabbed me and asked me what I was doing? I told him nothing and he let me go and layed back down and didn't say anything. There were a few nights I would wake up in the middle of the night and he would be sitting there staring at me. In the morning I would ask him why he was staring at me and he would not even remember doing this. I went to MS. Kuffman and MR. Hamten and told them about this.

When I got up in the morning he was holding a pen in his hand. Another time he got assaultive with me. I woke him up for count time and I hit him on his leg and yelled his name to wake him up. He jumped out of bed and grabbed me by my neck. I had to yell his name two times to get him to come to his senses and get him to realize who I was. I honestly do believe that if he didn't know me for as long as he did, he would of hurt me. He would say things to me and I would not know what was going on with him and this would make me very nervous. After being his cellmate for a few weeks he told me that I had to go to sleep before he did because he could not go to sleep if I was still awake. I started to try to go to sleep before he did. After about a week of doing this I woke up two times to find him pacing back and forth in the cell, once about 3 AM and another time about 4 AM. After this happened, I again went to my Counselor Mr. Kuffman and the unit manager Mr. Hamter then that they had to get me moved out of the cell with Deprano because we were just not getting along at all. At this time ~~Deprano~~ ~~Deprano~~ Deprano was given a ~~big~~ single cell. This is made subjected to Perjury P.S.

DATE: 9-10-04

Richard Smith BC1886



# **EXHIBIT “K”**

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Mr. Barr</i>	FACILITY: <i>ALBION</i>	DATE: <i>8-25-02</i>
FROM: (INMATE NAME & NUMBER) <i>ANTHONY DeFranco C2-3518</i>	SIGNATURE OF INMATE: <i>Anthony DeFranco</i>	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: <i>D/A 57</i>	

## INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

IT HAS CAME TO KNOWLEDGE THAT THE PRISON TOOK AWAY MY "Z-CODE" THAT WAS ISSUED DUE TO MY PSYCHOLOGICAL/PSYCHIATRIC NEEDS. I WAS DIAGNOSED BY SCI ALBION STAFF WITH SEVERE PANIC DISORDER. IN ADDITION TO THAT, DR. FRANK PIZZAT, HAD PREVIOUSLY DIAGNOSED ME WITH BORDERLINE/PARANOID DISORDER, WITH MULTIPLE PERSONALITY DISORDER. I HAVE BEEN UNDER PSYCHIATRIC CARE IN THE STATE SYSTEM SINCE 1995. WHILE IN SCI PITTSBURGH, THE PSYCHIATRIST PUT ME ON A SINGLE CELL UNIT (E-UNIT) SINCE 1996. ONCE I ARRIVED HERE, SCI ALBION, I SPOKE WITH MR. KELLY (CHIEF PSYCHOLOGIST) AND WAS ISSUED A "Z-CODE" BECAUSE OF MY MENTAL HEALTH. IN APRIL OF 2001 I WAS REFERRED TO A PSYCHIATRIST DUE TO MY MENTAL HEALTH WORSENING. DR. LINDEMUTH PUT ME ON TWO PSYCHOTROPIC DRUGS, VALIUM. SINCE THAT TIME MY MEDICATION HAS BEEN STEADILY INCREASED DUE TO MY CONDITION WORSENING. I SPOKE WITH DR. LINDEMUTH IN APRIL, 2002.

B. List actions taken and staff you have contacted, before submitting this grievance.

Wrote to Mr. Kelly - Spoke with Dr. Lindemuth twice - ~~twice~~ April and August of 2002.  
Dr. Lindemuth Read This Grievance and agreed with all diagnosis

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

and she agreed that due to my mental state, I should NOT be housed with another inmate. I went to the R.H.U. for threatening staff but was released early and moved to "J-unit" where I was staffed by people (for, unit manager and psychologist) who did not even know me. Sometime thereafter my Z-code was removed. My Z-code was issued due to my mental state/health. If my medication has been steadily increased and I have went to the R.H.U., How did my mental condition become better" for the prison to take away the Z-code? And who are the people responsible for taking away the Z-code? Did anyone consult with my psychiatrist who is a doctor to receive her recommendation? It is my opinion that my Z-code was arbitrarily and capriciously taken away. And it was not removed by staff who were in a position to properly evaluate me and my mental health. This Z-code should be re-instated due to my mental health and recent setbacks. There is nothing to indicate that my conditions have improved as to place someone in my cell with me in there. I suffer from Borderline/Paranoid; multiple personality disorder and severe panic disorder. My conditions have obviously worsened. There is nothing to support any improvement with me as to place me in a cell with someone. Please tell me who is responsible for lifting the Z-code and who is liable for anything that may happen by placing me in a cell with someone? If something happened to me, the other person or further deterioration of my mental state? I ask that my Z-code be re-instated for all the above reasons and that SCI Albion or D.O.C. not place me in further possible jeopardy by taking away a needed Z-code simply because of space. My care is as important as creating more space to house prisoners. ~~Therefore~~ I believe how this was done and that it was done to me is in violation of both state and federal constitutions. I respectfully request how, why and by whom the Z-code was removed ~ and to have it re-instated.

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF ERIE :

SS:

On this, the 25<sup>th</sup> day of August, 2002, before me, a Notary Public, the undersigned officer, personally appeared Anthony P. Franco, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notarial Seal  
Jo Anne R. Bickel, Notary Public  
Albion Boro, Erie County  
My Commission Expires Sept. 23, 2002

Jo Anne R. Bickel  
Jo Anne R. Bickel

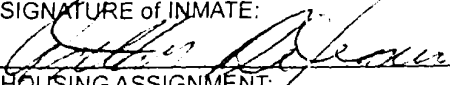
My Commission expires on the 23rd day of September, 2002

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR  Mr. Barr	FACILITY:  Albion	DATE:  12-16-02
FROM: (INMATE NAME & NUMBER)  Anthony DeFranco CZ-3518	SIGNATURE of INMATE: 	
WORK ASSIGNMENT:  Law Library	HOUSING ASSIGNMENT:  D/A 57	

## INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

## A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

I am writing this grievance again about my z-code being taken away without a proper staffing. As I previously informed staff, I am not compatible to be celled with another person. I had submitted my psychological report conducted by Dr. Pizzart, along with other papers. In this grievance I am resubmitting the same, along with requests, and the prison's psychiatrist, my doctor, Dr. Lindemuth and her report to you and the "Z-CODE COMMITTEE". She submitted this paper back on September 23, 2002 but again no one did anything to even look into the matter. The prison, including each person who "staffed" me out of the z-code were and are being deliberately indifferent about my severe medical needs as evidenced by Dr. Lindemuth (the prison psychiatrist); and the fact that I am suffering from being placed in this position. The prison is aware that they held over my head being transferred away from my family, and I am hopeful by all my litigation about this will not result in retaliation by prison staff by means of transfer. I am alleging in my complaint that each person is violating my U.S. Constitutional rights and are in violation of my 8th Amendment rights (cruel and unusual punishment). If you check the records in this case you will find that my mental health is deteriorating every day I am forced to cell with a person. And the prison is accountable for anything that would happen to me or anyone because of their deliberate neglect. I even informed the warden about this

## B. List actions taken and staff you have contacted, before submitting this grievance.

Have written to psychology (Ms. Bunner & Mr. Reilly) numerous times;  
Have spoken with the Superintendent and my psychiatrist and unit counselor.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

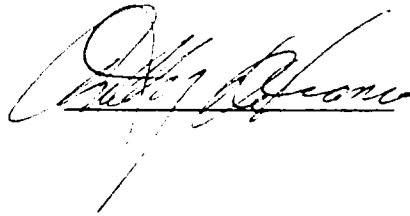
Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised  
December 2000

Grievance, 12-16-02  
Z-Code, Page II

but he stated that the prison is so over crowded that there was nothing he could do. It is my point that the prison personnel are placing security (overcrowding) before my medical needs. Please look into this grievance and give me the chance to explain so everyone can make an informed decision. My counselor asserted that the reason you took my z-code was because you thought I only suffer from anxiety. This is false. I suffer from Paranoia, Borderline and mixed personality disorder also. The medical records reflect that. I am asking you to please help me with this. Thank-you for your understanding and not retaliating because of this grievance. I really need your help.

A handwritten signature in cursive script, appearing to read "Anthony P. Leone", is written over a horizontal line.

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF ERIE

:

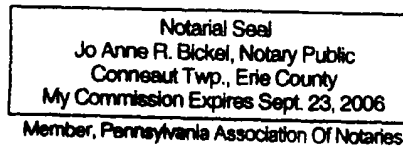
ss:

:

On this, the 18<sup>TH</sup> day of December, 2002, before me,  
a Notary Public, the undersigned officer, personally appeared  
Anthony DeFranco <sup>62-3518</sup>, know to me (or satisfactorily proven)  
to be the person whose name is subscribed to the within instrument  
and acknowledged that he executed the same for the purpose therein  
contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official  
seal.

Jo Anne R. Bickel  
Jo Anne R. Bickel



# **EXHIBIT “L”**



Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
<b>INMATE'S REQUEST TO STAFF MEMBER</b>		<b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Sgt. Betts</i>		2. Date: <i>8/10/06</i>	
3. By: (Print Inmate Name and Number) <i>Anthony DeFranco C2-3518</i>		4. Counselor's Name <i>Mr. Wade</i>	
<i>[Signature]</i> Inmate Signature		5. Unit Manager's Name <i>Mr. Stendall</i>	
6. Work Assignment <i>Low bid.</i>		7. Housing Assignment <i>D/A 31</i>	
8. Subject: State your request completely but briefly. Give details.			
<i>Sgt. Betts -</i> <i>You have known me for many years</i> <i>here at SCI Albion - in your opinion due I</i> <i>require a Z-code?</i>			
<i>Thank you</i>			
9. Response: (This Section for Staff Response Only)			
<i>I HAVE KNOWN I/M DEFRANCO FOR SIX YEARS AND IN MY OPION I FEEL</i> <i>IT IS IN THE BEST INTEREST OF I/M DEFRANCO, OTHER INMATES AND THE</i> <i>INSTITUTION TO MAINTAIN HIS "Z" CODE STATUS.</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

*J. Betts C21*  
 Print

Sign

Date *10 AUG-2006*

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS	
		Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer)	Officer Fries	2. Date:	8/18/06
3. By: (Print Inmate Name and Number)	Anthony DeFranco C23518	4. Counselor's Name	M. Wasil
	[Signature] Inmate Signature	5. Unit Manager's Name	M. Skendell
6. Work Assignment	See list	7. Housing Assignment	D/A 31
8. Subject: State your request completely but briefly. Give details.  Officer Fries ~  You have known me from SCI Allison for years - in your opinion do I require a 2-code?			
9. Response: (This Section for Staff Response Only)  In this officer opinion inmate DeFranco would not be able to cell with another person for any length of time. I believe it is best to keep him in a 2-code status			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

Eies  
Print

Signature \_\_\_\_\_

Date 8-18-06

Form DC-135A  <b>INMATE'S REQUEST TO STAFF MEMBER</b>	Commonwealth of Pennsylvania Department of Corrections  <b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <i>Officer Pasikors</i>	2. Date: <i>8/4/06</i>
3. By: (Print Inmate Name and Number) <i>Anthony DeFuria 02-3518</i> <i>[Signature]</i> Inmate Signature	4. Counselor's Name <i>Ms Luth</i> 5. Unit Manager's Name <i>Mr. Shortall</i>
6. Work Assignment <i>law lib</i>	7. Housing Assignment <i>D/A 31</i>
8. Subject: State your request completely but briefly. Give details.	
<i>Officer Pasikors -</i> <i>You have known me since my</i> <i>arrival here in 1999. In your opinion, do</i> <i>I require a 3-code?</i>  <i>Best you.</i>	
9. Response: (This Section for Staff Response Only)	
<i>In my opinion, yes.</i>	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

*Pasikors*  
 Print

Date

*8-4-06*

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Officer Grebner</i>		2. Date: <i>8/8/06</i>	
3. By: (Print Inmate Name and Number) <i>Anthony DeFranco C2-3518</i> <i>[Signature]</i> Inmate Signature		4. Counselor's Name <i>Mr. [Signature]</i>	
6. Work Assignment <i>Low Lib</i>		5. Unit Manager's Name <i>Mr. [Signature]</i>	
7. Housing Assignment <i>DIA 31</i>			
8. Subject: State your request completely but briefly. Give details.			
<i>Officer Grebner -</i>			
<i>You have been my unit officer in the past and know me for many years. In your opinion, do I require a Z code?</i>			
<i>[Signature]</i>			
9. Response: (This Section for Staff Response Only)			
<i>INMATE DEFranco WAS MY CLERK OF F/A UNIT A FEW YEARS AGO. KNOWING HIM DURING THIS TIME I WOULD STRONGLY RECOMMEND A Z CODE FOR HIM.</i>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

*CDI M.J. GREBNER*  
Print*[Signature]*  
Sign

Date

*08.08.06*

Form DC-135A  <b>INMATE'S REQUEST TO STAFF MEMBER</b>	Commonwealth of Pennsylvania Department of Corrections  <b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <i>Officer McLaughlin (unit)</i>	2. Date: <i>8/2/06</i>
3. By: (Print Inmate Name and Number) <i>Anthony DeFranco C2-3518</i> <i>Anthony DeFranco</i> Inmate Signature	4. Counselor's Name <i>Mr. Webb</i> 5. Unit Manager's Name <i>Mr. Skordak</i>
6. Work Assignment <i>Law Lib.</i>	7. Housing Assignment <i>D/A 31</i>
8. Subject: State your request completely but briefly. Give details. <i>Officer McLaughlin -</i> <i>you have known me for years and have been my unit officer. In your opinion do you believe I require a 2-code and do I meet the need (in your opinion) as much as 99% of the other inmates who are 2-code?</i>  <i>Thank.</i>	
9. Response: (This Section for Staff Response Only)  <i>I DO KNOW WHEN YOU NOT TAKING YOUR MEDS. YOU VERY AGITATED AND COULD BECOME A PROBLEM. SO YES I DO.</i>	
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

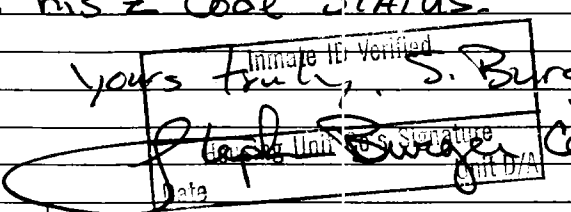
Staff Member Name

*McLaughlin*  
 Print

*McLaughlin*  
 Sign

Date

*8-2-06*

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
<b>INMATE'S REQUEST TO STAFF MEMBER</b>		<b>INSTRUCTIONS</b> Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer)	2. Date: 9/14/06		
3. By: (Print Inmate Name and Number)	4. Counselor's Name		
<i>Anthony DeFranco C23518</i>	<i>Ma Webb</i>		
<i>Anthony DeFranco</i> Inmate Signature	5. Unit Manager's Name		
	<i>Mr. Stordell</i>		
6. Work Assignment	7. Housing Assignment		
<i>low hit</i>	<i>D/131</i>		
8. Subject: State your request completely but briefly. Give details.			
<i>Officer Burger,</i> <i>you have known me for years</i> <i>here at Albion - in your opinion, do I</i> <i>require 2-code status? And is it accurate that</i> <i>you have known me for years?</i>			
<i>Thanks</i>			
9. Response: (This Section for Staff Response Only)			
<i>It is true, I have known inmate DeFranco C23518</i> <i>for going on six years here at ALBION. It is my opinion</i> <i>that for the best interest of the Institutions AND Inmate</i> <i>DeFranco, that he retains his Z Code STATUS.</i>			
<i>Yours truly, S. Burger</i> <i>Stephen Burger Col</i> 			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name \_\_\_\_\_ / \_\_\_\_\_ Date 9-14-06  
 Print Sign

**EXHIBIT “M”**